

Application No. 09/696,071

RD-28030

REMARKS

Claims 1, 7 to 14, 18 to 19 and 21 to 25 are pending.

Withdrawal of the rejection of claims 1, 3 to 4 and 6 to 14 under 35 U.S.C. §103(a) is noted and appreciated.

I. OBJECTION TO THE SPECIFICATION

The Office Action states:

The disclosure is objected to because of the following informalities: On page 2 of the specification, the Figures are not separately described in the section at the bottom of the page for several Figures. Appropriate correction is required.

The Office Action states no legal authority for a "separately described" requirement. Applicant knows of no legal "separately described" requirement. Unless the PTO can support its requirement by legal citation, this objection to the specification should be withdrawn.

II. 35 U.S.C. §112, FIRST PARAGRAPH REJECTION OF CLAIMS 1, 3 TO 4, 6 TO 15 AND 18 TO 19

Claims 1, 7 to 14, 18 and 19 were rejected under 35 U.S.C. §112, first paragraph and 35 U.S.C. §112, second paragraph.

Relative to the first paragraph rejection, at page 3 the Office Action states:

Therefore, a subtraction of duplicates is apparently performed to result in the second experimental space, but does not appear in the formula set forth in part (B) of claim 1 or claim 18.

And, relative to the second paragraph rejection, at page 5 the Office Action states:

This subtraction of duplicates is apparently performed to result in the second experimental space, but does not appear in the formula set forth in part (B) of claims 1 and 18.

It seems from the quoted Office Action portions that the PTO is faulting the claims for failing to affirmatively recite a "subtracting" or "deleting" step. While the

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reasonings for the rejections, are not clear to Applicant,¹ nonetheless Applicant amends the claims to recite a "deleting" step to obtain allowance and move this case to issue.

The rejections of claims 1, 7 to 14, 18 and 19 under 35 U.S.C. §112, first paragraph and 35 U.S.C. §112, second paragraph should be withdrawn.

III. ALLOWABLE CLAIMS AND RESTRICTION REQUIREMENT

Claims 18 and 19 were not rejected under 35 U.S.C. §103(a). Claim 18 is an allowable generic claim. Hence, the restriction requirement should be withdrawn for the reasons specified in Applicant's February 20, 2003 Amendment. See MPEP 809.04. Claims 21 to 22 depend from claim 18 and should also be allowable.

¹ Steps of "determining a number of experiments for a second experimental space" and "conducting... [an] experiment on said second space" are enabled throughout the specification and "determining a number of experiments for a second experimental space" and "conducting... [an] experiment on said second space" distinctly claim the invention.

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IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1, 7 to 14, 18 to 19 and 21 to 25 are allowable. Reconsideration and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, she is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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